

David W. Pease
BURR, PEASE & KURTZ
810 N Street
Anchorage, AK 99501-3293
Telephone: (907) 276-6100
Fax No.: (907) 258-2530
Attorneys for North Star

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA for the use of
NORTH STAR TERMINAL & STEVEDORE
COMPANY, d/b/a Northern Stevedoring &
Handling, and NORTH STAR TERMINAL &
STEVEDORE COMPANY, d/b/a Northern
Stevedoring & Handling, on its own behalf,

Plaintiffs,

and

UNITED STATES OF AMERICA for the use of
SHORESIDE PETROLEUM, INC., d/b/a Marathon
Fuel Services, and SHORESIDE PETROLEUM,
INC., d/b/a Marathon Fuel Services, on its own
behalf,

Intervening Plaintiffs,

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION, INC.; SPENCER
ROCK PRODUCTS, INC.; UNITED STATES
FIDELITY AND GUARANTY COMPANY; and
ROBERT A. LAPORE,

Defendants.

Case No. 3:98-cv-009-TMB

**[PROPOSED] ORDER UPON
RECONSIDERATION**

The Court, having considered North Star's Motion for Reconsideration of Order

Disposing of Parties' State Law Summary Judgment Motions at Docket No. 646, HEREBY

ORDERS: That the motion is GRANTED. The Court's previous Order at Docket No. 636 is hereby vacated insofar as granting summary judgment against the plaintiffs' misrepresentation and non-disclosure claims including fraud and their negligence claims. Summary judgment is denied upon those claims.

DATED: August _____, 2006

TIMOTHY M. BURGESS
U.S. District Court Judge

CERTIFICATE OF SERVICE

I certify that on the August 8, 2006, a copy of the foregoing NORTH STAR'S MOTION FOR RECONSIDERATION was served electronically to Steven S. Shamburek, Esq., Traeger Machetanz, Esq., Paul D. Stockler, Herbert A. Viergutz, and C. Patrick Stoll, Esq.

s/ David W. Pease